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Counsel to the Official Committee of Tort Claimants

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 || In re:

PG&E CORPORATION

18 || -and-

- 21 Affects PG&E Corporation
 - 22 Affects Pacific Gas and Electric Company
 - 23 Affects both Debtors

24 *All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

**Bankruptcy Case
No. 19-30088 (DM)**

Chapter 11 (Lead Case) (Jointly Administered)

**SUPPLEMENTAL DECLARATION OF
DAVID J. RICHARDSON IN SUPPORT
OF THE OFFICIAL COMMITTEE OF
TORT CLAIMANTS' MOTION FOR
STANDING TO PROSECUTE CLAIMS
OF THE DEBTORS' ESTATES**

Hearing

Date: April 7, 2020
Time: 10:00 a.m. (Pacific Time)
Place: Courtroom 17
450 Golden Gate Ave., 16th Fl.
San Francisco, CA 94102

1 I, David J. Richardson, hereby declare:

2 1. I am a member in good standing of the bar of California and I am admitted to practice
3 in the United States Bankruptcy Court in the Northern District of California. I am counsel in the
4 Los Angeles, California office of Baker Hostetler LLP, attorneys of record for The Official
5 Committee of Tort Claimants (the “TCC”). I have personal knowledge of the facts stated herein
6 and I could and would competently and truthfully testify to those facts if called as witness.

7 2. This Declaration is submitted in support of the Reply Brief filed in support of the
8 TCC’s motion for entry of an order to grant the TCC standing to file and prosecute claims of PG&E
9 Corporation and Pacific Gas and Electric Company (collectively, the “Debtors”) on behalf of the
10 estates for declaratory and injunctive relief, pertaining to the action pending in the United States
11 District Court for the Northern District of California, San Francisco Division, styled *In re PG&E*
12 *Corporation Securities Litigation*, Civil Action No. 3:18-cv-03509-EJD (the “**Pending Action**”),
13 and the proofs of claim filed, and to be filed, in these Cases seeking to recover the same damages
14 pleaded in the Pending Action (the “**Securities POCS**”).

15 3. In 2004, while serving as co-counsel to the post-confirmation creditor trust (the
16 “**Trust**”) in the chapter 11 case of Touch America Holdings, Inc., I attended a mediation that was
17 held between director/officer defendants, insurance companies, and certain shareholder plaintiffs
18 in pending securities litigation. Although I attended as an observer, the parties negotiated a global
19 settlement at that mediation, which included a substantial distribution to the Trust. Because there
20 were legal challenges to the Trust’s right to receive a recovery under Montana Power Company
21 insurance policies (as opposed to Touch America insurance policies), the Trust did not appear to
22 be in a position to enjoin all pending shareholder litigation, and therefore agreed to the global
23 settlement. However, the settlement quickly became the subject of litigation between the parties,
24 which continued for five years. That litigation included the Trust’s lawsuit to enjoin the shareholder
25 plaintiffs, and have one of their claims—the claim for damages that sought recovery from the same
26 insurance policies—declared a derivative claim, and enjoined. The Trust did not challenge other
27 claims for declaratory relief, constructive trust, or against third parties, as they did not implicate
28 the Montana Power Company insurance policies or the recoveries for the Trust. The Trust’s claim

1 was resolved in its favor in the reported case *Williams v. McGreevey (In re Touch America*
2 *Holdings, Inc.*), 401 B.R. 107 (Bankr. D. Del. 2009). Shortly thereafter, the parties reached a larger
3 global settlement of all pending claims, which incorporated the 2004 settlement, and was approved
4 by the Bankruptcy Court that year. The action that was partially enjoined by the Bankruptcy Court
5 was the sole securities litigation pertaining to Montana Power Company stock. It began as state
6 court litigation, and was then removed to federal court where it ended up before the Hon. Sam
7 Hadden, District Court Judge.

8 I declare under the penalty of perjury under the laws of the United States that the
9 foregoing is true and correct and that this declaration was executed on the 31st day of March,
10 2020, in Los Angeles, California.

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/s/ David J. Richardson
13 David J. Richardson
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